

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PERCY GREEN II,	)	
	)	
Plaintiff,	)	
	)	Case No. 4:06 CV 1667 RWS
v.	)	
	)	
CHARLES MCCRARY, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before me on Defendants Special Administrative Board of St. Louis Public Schools, Charles McCrary and Kestner Miller's Bill of Costs ("Defendants"). On May 9, 2011 I ordered Plaintiff Green to file a response to Defendants' Bill of Costs no later than May 20, 2011. As of today's date, Plaintiff has failed to do so. After a review of Defendants' request I will grant the bill of costs.

Defendants prevailed in this suit by receiving a judgment in their favor. The presumption under Fed. R. Civ. P. 54 (d) is that the prevailing party is entitled to costs. Bathke v. Casey's General Stores, Inc., 64 F.3d 340, 347 (8th Cir. 1995). Under Title 28 U.S.C. § 1920 the Court may tax costs for, among other items, the following: (1) fees of the clerk and of the marshal; (2) fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case; (3) fees and disbursements for printing and witnesses; and (4) fees for exemplification and copies of papers necessarily obtained for use in the case.

As the prevailing party in this case Defendants are entitled to the award of its costs which qualify for reimbursement. In order to receive an award of costs, documentation for each request must be filed with the bill of costs. See Bill of Costs form Special Note.

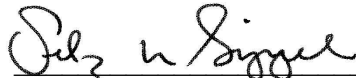
Defendants seek to have the following costs taxed to the Plaintiff Percy Green:

Fees of Court Reporter (Green Deposition)	\$ 355.80
Fees of Court Reporter (Reinhold Deposition)	81.75
Fees of Court Reporter (Bouhasin Deposition)	78.75
Fees of Court Reporter (Miller Deposition)_____	<u>107.75</u>
	\$ 624.05

Defendants seek to recover the fees it incurred in obtaining copies of depositions of Green, Reinhold, Bouhasin and Miller. The transcripts were used for preparing motions for summary judgment. I find that these fees are recoverable.

Accordingly,

**IT IS HEREBY ORDERED** that Defendants Special Administrative Board of St. Louis Public Schools, Charles McCrary and Kestner Miller's Bill of Costs [#326 and 327] is **GRANTED**, and that the Clerk shall tax the sum of \$624.05 against Plaintiff Percy Green.

  
\_\_\_\_\_  
RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 6th day of June, 2011.